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10 *Michael Devine*

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 IN RE: HIGH-TECH EMPLOYEE  
15 ANTITRUST LITIGATION

16 THIS DOCUMENT RELATES TO:  
17 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF MICHAEL DEVINE**

Judge: Hon. Lucy H. Koh

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DECLARATION OF MICHAEL DEVINE  
Master Docket No. 11-CV-2509-LHK

1 I, Michael Devine, declare as follows:

2 1. I am a class representative in this case. I have personal knowledge of the facts set forth  
3 herein and could competently testify to them if called as a witness.  
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5 2. In mid-2014, I opposed a \$324.5 million settlement and retained Girard Gibbs LLP to  
6 present my position to the Court.

7 3. After the \$324.5 million settlement was rejected by order of this Court dated August 8,  
8 2014, I participated through my counsel in further discussions with Class Counsel and Defendants aimed  
9 at resolving this case.  
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11 4. My counsel assisted me in reviewing and assessing the record, and evaluating the costs  
12 and benefits of settlement as compared to continued litigation.

13 5. Having participated in the proceedings and negotiations which followed the Court's  
14 August 8 ruling, I believe the Court should preliminarily approve the proposed \$415 million settlement  
15 and Class members should have the opportunity to exercise their rights in regards to the proposed  
16 settlement under Rule 23. I respectfully join in Class Counsel's motion for preliminary approval.  
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18 6. I have asked my counsel to apply on my behalf for a service award of up to \$160,000. I  
19 believe this amount is justified by my service as a class representative and my work to oppose the  
20 original settlement and secure an additional \$90.5 million for the Class. Further, I believe that by  
21 opposing the original settlement I am at a heightened risk of suffering adverse consequences to my job  
22 prospects.  
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24 7. I intend to submit to the Court a detailed explanation of the work I have done to benefit  
25 the Class, how my work has benefitted the Class, and why my employment prospects have been  
26 adversely affected by my service as a class representative. My submission will be made in advance of  
27 the final approval hearing in accordance with the schedule ordered by the Court.  
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1 I declare under penalty of perjury under the laws of California the foregoing is true and correct.

2 Executed on January 16, 2015 in Santa Clara, California.

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6 Michael Devine  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2015, I caused the foregoing document to be filed electronically with the Clerk of Court through CM/ECF and that the filing was served by CM/ECF on all counsel of record.

/s/ Daniel C. Girard

Daniel C. Girard